

REMARKS**§ 112 Rejections**

Claims 8 and 9 have been rejection under 35 U.S.C. § 112, first and second paragraphs, for lack of support in the specification and for ambiguity regarding "an inwardly curved arc". Applicant has cancelled claims 8 and 9 such that this rejection is moot.

Prior Art Rejections

Claim 1, 2 and 6-13 have been rejected under 35 U.S.C. § 102 as being anticipated by Sheiman. Claims 3 and 4 have been rejected under 35 U.S.C. § 103 as being obvious over Sheiman in combination with Busnelli. Claims 5 and 14-16 have been deemed allowable.

Applicant respectfully traverses the rejections, and requests reconsideration of the claims, as amended.

Independent Claim 1 Distinguishes Over Sheiman

Claim 1 has been amended to incorporate the limitations from cancelled ^{claims} 2, 3, 6 and 7. As amended, claim 1 requires a handle surface adapted to receive the second screw on the first clip. The Examiner asserts on page 8, last paragraph of the Office Action that the caster wheel 12 of Sheiman constitutes a handle! Such a conclusion is contrary to the common and ordinary meaning of "handle". The Examiner's overly broad interpretation of a handle as being anything that can be held or controlled by the hand would lead to the illogical conclusion that a hat, a basketball, a flower pot, and even a fish would constitute a handle, since all of these objects can be held or controlled by the hand. Such a conclusion would not be agreed upon by even a school-age child, let alone a person having ordinary skill in the art. As the Federal Circuit

recently repeated in its en banc Phillips decision, words of a claim "are generally given their ordinary and customary meaning." Phillips v. AWH Corp., 415 F.3d 1303, 1312 (Fed. Cir. 2005) en banc. As the Court further explained, "the ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention." Id. at 1313. "Handle" is not a technical term, such that resort to a dictionary definition is unnecessary. In short, there is no reasonable basis to support the Examiner's conclusion that the wheel 12 of Sheiman constitutes the handle from former claim 7, which is now included in amended claim 1.

Therefore, claim 1 distinguishes over Sheiman so as to be in proper form for allowance.

Claims 4, 5, 8 and 9 depend from claim 1 and should be allowable as depending from an allowable base claim. Claim 4 has been amended to change the dependency from cancelled claim 3 to pending claim 1.

Amended Claim 10 is Allowable

Claim 10 has been amended to incorporate the limitations from allowable claim 14. Accordingly, claim 10 is in proper form for allowance, along with claims 12, 13, 15 and 16 depending there from.

Conclusion

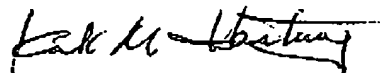
This Amendment After Final is being submitted so as to address the § 112 rejection of claims 8 and 9, which was made for the first time in the Final Office Action. Therefore, Applicant has not previously had an opportunity to address this rejection. Claims 8 and 9 have been cancelled so as to overcome this rejection. The amendment is also being made after the Final Office Action so as to rewrite allowable claim 14 in independent form as amended claim

10. Lastly, this Amendment After Final is being submitted for reconsideration of claim 1, as amended to incorporate the handle limitation into claim 1, and to address the dictionary definition of "handle" provided by the Examiner for the first time in the Final Office Action. In the Advisory Action dated December 15, 2005, Applicant's previous Amendment After Final dated November 22, 2005 was refused entry due to an alleged change in the scope of claims 8 and 9 arising from the amendment of claim 1. Claim 1 has been amended herein identically to the non-entered amendment, but claims 8 and 9 have been cancelled. Accordingly, the present amendment raises no new issues, and places claims in form for allowance. Accordingly, Applicant respectfully requests that the present amendment be entered, and that a Notice of Allowance be issued.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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